

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:20-cr-00054

NEDELTCCHO VLADIMIROV,

Defendant.

**ORDER**

The Court has reviewed the *Motion of the United States to Toll the Speedy Trial Act and Continue Trial* (Document 39) and the *Amended Motion of the United States to Toll the Speedy Trial Act and Continue Trial* (Document 40).

As a footnote in the *Amended Motion of the United States to Toll the Speedy Trial Act and Continue Trial* (Document 40), the United States requests leave to withdraw the *Motion of the United States to Toll the Speedy Trial Act and Continue Trial* (Document 39). The Court **ORDERS** that the *Motion of the United States to Toll the Speedy Trial Act and Continue Trial* (Document 39) be **WITHDRAWN** and **TERMINATED AS MOOT**.

In the *Amended Motion of the United States to Toll the Speedy Trial Act and Continue Trial* (Document 40), the United States moves for a continuance of at least thirty days of the trial and related deadlines due to the general orders filed in this district in 2:20-mc-00052 and the continuing threat of COVID-19. The requested delay is not attributable to lack of diligent

preparation or inexcusable failure to obtain evidence or witnesses on the part of the Government, or to congestion of the Court's calendar.

The Defendant opposes the United States' motion for continuance.

The Court finds good cause for the requested continuance given that investigators have not been able to interview, and in some cases, locate witnesses due to the pandemic. Further due to the current danger to the public health caused by COVI-19 and the related difficulty the parties have in preparing for trial the Court finds, pursuant to 18 U.S.C. § 3161(h)(7)(A), that the interest of the public and the Defendant in a speedy trial is outweighed by the ends of justice served by granting a continuance and that a denial of the same could result in a miscarriage of justice. Accordingly, the Court does hereby **ORDER** that the United States' motion for trial continuance (Document 40) be **GRANTED**. The Court preserves the Defendant's objection and exception.

The Court **ORDERS** that the trial, previously scheduled for July 13, 2020, be **CONTINUED** to **August 17, 2020, at 9:00 a.m.**, in Charleston, West Virginia. Counsel should be prepared to select a jury **on the preceding Friday** if ordered by the Court. The Court further **ORDERS** that the deadline for filing superseding indictments, if any, shall be thirty days prior to the trial date. The Court **ORDERS** that the deadline for filing superseding indictments, if any, shall be thirty days prior to the trial date and that the parties submit their respective witness lists and any proposed voir dire and jury instructions no later than **August 3, 2020**.

The Court further **ORDERS** that the pretrial motions hearing, previously scheduled for June 23, 2020, be **CONTINUED** to **July 27, 2020, at 11:00 a.m.**, in Charleston, West Virginia, before the Honorable Omar J. Aboulhosn, and that any motions to be limine, shall be filed no later than **July 20, 2020**.

The parties are **ORDERED** to notify the Court of any proposed plea agreement in sufficient time such that a plea hearing may be scheduled by the Court no later than a week before trial. Furthermore, the parties are put on notice that, should a scheduled plea hearing not be completed, the Court will not consider the same to be good cause to support a continuance of the trial.

The United States Marshals Service is **ORDERED** to transport the Defendant from his location of confinement to the aforesaid court proceeding.

The Court **FINDS** that the time between July 13, 2020, and August 17, 2020, is excludable from the computation of time within which trial must commence, pursuant to 18 U.S.C. § 3161(h)(7). *See General Orders In Re: Court Operations Under the* addressed at the pretrial motions hearing, as well as any motions in

*Exigent Circumstances Created by the COVID-19 Pandemic 2:20-mc-00052.*

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: June 22, 2020



IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA